

REMARKS

Claims 8 through 24 were presented for examination in the present application. The instant amendment cancels claims 8 through 10 and 21 through 24 without prejudice. Thus, claims 11 through 20 are presented for consideration upon entry of the instant amendment.

Claims 21 through 24 were rejected under 35 U.S.C. 112, first paragraph. Claims 21 through 24 have been cancelled. Reconsideration and withdrawal of the rejections to claims 21 through 24 are respectfully requested.

Claims 9 and 10 have been rejected under 35 U.S.C. 112, second paragraph. Claims 9 and 10 have been cancelled. Reconsideration and withdrawal of the rejections to claims 9 and 10 are respectfully requested.

Claims 8 through 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application No. 0 635 639 A1 ("EU '639") in view of U.S. Patent No. 3,078,739 ("Weinrich").

Independent claim 11 now recites "A drive train for the transmission of a variable power at a variable input speed for a power generating station driven with a turbomachine, the drive train comprising: a power-split transmission for receipt of power from a single source (emphasis added)".

EU '639 discloses a wind turbine transmission apparatus having at least one planetary transmission stage, operative for providing a continuously variable transmission ratio between a

rotational input from a wind-rotor and a rotational output to an electric generator. Moreover, the at least one planetary transmission stage includes a primary planetary stage that provides a fixed transmission ratio between the rotational input and a primary rotation. A secondary planetary stage provides a variable transmission ratio between the primary rotation and the rotational output. See, Abstract.

Moreover, EU '639 discloses AC servo-motors 42 associated with gears that are connected to AC grid 50. Converter 48 is coupled to the AC servomotors 42 and is a frequency converter that separately couples the servomotors 42 with a supply grid. As such, it is clear that EU '639 discloses multiple sources of power that transmit power into transmission apparatus 8. This is in clear contrast to claim 11 which now requires a power-split transmission for receipt of power from a single source.

In addition, the '739 patent fails to disclose or suggest a power-split transmission that receives power from a single source. For at least this reason, the cited art fails to disclose or suggest claim 11.

In addition, claim 11 now recites " wherein the hydrodynamic circuit is selected from the group consisting of a hydrodynamic Fottinger converter, a hydrodynamic coupling or a TRILOK converter, each of the hydrodynamic Fottinger converter, the hydrodynamic coupling, and the TRILOK converter having a pump impeller connected to a rapidly spinning shaft of the power-split transmission, wherein the rapidly spinning shaft is an output shaft of the drive train to which the electric generator is connected, and wherein the rapidly spinning shaft

is part of the first power branch (emphasis added)".

Applicants respectfully submit that in rejecting previously pending claim 10, the Office Action failed to show where the "rapidly spinning shaft" is disclosed or suggested in the prior art. As such, the Office Action failed to meet its burden of establishing a prima facie case of obviousness. For this reason alone, claim 11 is patentable over the cited art.

Nevertheless, Applicants submit that neither EU '639 nor Weinrich discloses or suggests the rapidly spinning shaft now recited in claim 11.

Weinrich discloses infinitely variable and automatically regulating gear mechanisms known as power-shunt transmissions. It also discloses torque convertors for use with such transmissions. Moreover, Weinrich discloses a particular arrangement for the Fottinger converter. See, e.g., Fig. 1 and col. 1, lines 40 - 72. As can be seen, the turbine of the Fottinger converter is connected to the output shaft of the power-split transmission and is arranged on the smallest hydraulic diameter. This is an essential feature because the efficiency of the Fottinger converter can be reduced for a high speed of rotation. In addition, the Fottinger converter has a specific blade geometry in order to function as a reacting turbine. The turbine of the Fottinger converter is coupled to the output shaft of the power-split transmission. It is seen that the output shaft is a slowly spinning shaft. See, col. 8, lines 38 - 44.

Thus, even if the Office Action were to assert that the

output shaft of the power-split transmission, disclosed in Weinrich, is equivalent to the "rapidly spinning shaft" now recited by claim 11, this would obviously be incorrect. Moreover, there is simply no reason why one of ordinary skill in the art practicing the invention of EU '639 would take the slow spinning shaft of Weinrich and add it to the wind turbine apparatus of EU '639 because to do so would require further modifications to the wind turbine to make it operable.

As such, the Office Action has failed to show that the cited art discloses or suggests the "rapidly spinning shaft" now recited by claim 11 (previously recited in now cancelled claim 10). Even if one were to consider the output shaft of Weinrich to be equivalent to the recited rapidly spinning shaft, which it is not, one of ordinary skill in the art would not modify the wind turbine apparatus of EU '639 with the output shaft because the device would not be operable without further structural modifications.

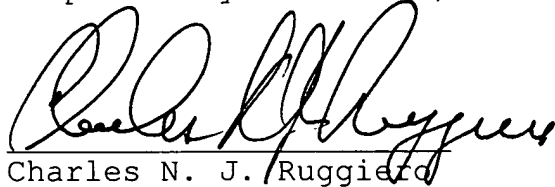
For all of the reasons stated above, Applicants respectfully submit that the cited art fails to disclose or suggest claim 11. Claims 12 through 20 depend from independent claim 11 and are in condition for allowance for at least the reasons set forth above with regard to claim 11. Reconsideration and withdrawal of the rejections to claims 11 through 20 are respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

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